

Town of Borden-Carleton

Employee Code of Conduct

Policy Title:	Employee Code of Conduct	Policy Number:	#2023-HR-01
Administration	Approval/Effective Date	October 11, 2023	

Purpose:

1. The Town of Borden-Carleton strives to maintain the highest level of public trust and confidence in the integrity, objectivity, impartiality of the municipality. The purpose of the employee code of conduct is to help employees maintain standards of behavior related to their employment. As our most valuable and significant resource, our employees are expected to maintain high standards of personal and professional conduct. Employees shall, at all times, perform their duties and functions in a manner that recognizes a commitment to the well-being of the Borden-Carleton community.

Preamble:

2. The Code of Conduct operates in addition to other policies, regulations, and administrative directives for employees.

Definitions:

3. **CAO** – means the Chief Administrative Officer of the Town of Borden-Carleton.
4. **Code of Conduct** – means this employee code of conduct as adopted and amended from time to time by Town Council.
5. **Confidential Information** – means information in the possession of the municipality that the municipality is prohibited from disclosing under the *Municipal Government Act* or other legislation or bylaw. Includes information of any customer, supplier or business that works with or for the Town; items under litigation, personal matters, including Personal Information as identified by the *Freedom of Information and Protection of Privacy Act*; items under negotiations, information supplied in support of a license or other applications, customer lists, vendor information etc., where such information is not a part of the public domain; and information designated as confidential by the Town Council.
6. **Council** – means the Council of the Town of Borden-Carleton and its Committees.
7. **Employee** – includes the CAO, and means all categories of municipal staff, including full-time, part-time, casual (including students and volunteers), temporary and seasonal

employees, including those funded through Federal or Provincial employment programs and those hired on contract.

8. **Family Member** – means a spouse or partner of the Employee, a child or parent of the Employee or his or her spouse.
9. **Municipal Property** – include, but are not limited to, municipal buildings and land, equipment, supplies, vehicles, computers and electronic devices, electronic networks, documents, whether in hard or digital/electronic format, inventories, tools, electronic equipment, computers, electronic mail, internet services, logos, town permits, town licences, documentation of the municipality such as electronic mail, data sets, images and all the work product.
10. **Municipality** – means the Town of Borden-Carleton.
11. **Non-pecuniary Interest** – includes family relationships, friendships, position in associations and any other interest that does not involve financial gain or loss.
12. **Political Activity** – includes activities to raise and contribute money to campaigns with and aim to advance any individual's or to campaign for an individual or group or furtherance of any issue.
13. **Pecuniary Interest** – includes an interest that an individual may have in a matter because of a reasonable likelihood or expectation of an appreciable financial gain or loss for the individual, or another person with whom the individual is associated. Such interest may include a fee, commission or other compensation paid or payable to any person or business.

Confidential Information:

14. In the course of their duties, employees may have access to confidential information. Employees are expected to keep information confidential, until the information is available to the general public.
15. Employees must not use confidential information concerning the affairs of the municipality to advance their personal interests, the interests of family members or relatives, or the interests of other persons.

Use of Influence:

16. The Town of Borden-Carleton strives to ensure fairness and objectivity in its decision-making process. Employees shall not improperly use their influence in order to affect the proper outcome of any procedure/matter before the Municipality. Employees shall not give anyone preferential treatment that would advance their personal interests, the interests of family members or relatives, or the interests of any other persons.

17. The improper use of influence shall be immediately reported to the CAO.

Acceptance of Gifts:

18. Citizens' perception of the integrity of the municipality and its employees is important. Employees shall refuse gifts, hospitality or other benefits that could influence their judgement and performance of official duties from persons, groups, or organizations having dealings with the municipality.

19. Employees may accept incidental gifts, hospitality or other benefits associated with their official duties and responsibilities if such gifts, hospitality or other benefits:
 - a. Are appropriate, a common expression of courtesy or within the normal standards of hospitality;
 - b. Do not cause suspicion about the objectivity and impartiality of the employee;
 - c. Would not compromise the integrity of the municipality.

Use of Municipal Property:

20. All municipal property, as defined in section 9 of this code is, and shall remain, the property of the municipality.

21. No employee shall use municipal property or permit municipal property to be used for activities not associated with the performance of their duties unless otherwise permitted by the CAO.

Political Activity:

22. The municipality recognizes the right of all employees to participate in a personal capacity in political, trade union or professional association activity. At the same time, employees must be and appear to be politically neutral in their official employment duties

in order to sustain public trust in local government. Employees should recognize that political activity can give rise to perceived conflicts of interest.

23. Employees who wish to seek election to a position on the Municipal Council, as a member of the provincial legislature or Parliament of Canada shall do so in accordance with the *Municipal Government Act* and/or any other applicable legislation or regulation.

Employee/Council Relations:

24. The interaction of employees with Council is of critical importance to the municipality. Council fulfils a representative and policy making role on behalf of the municipality and its residents while employees provide policy advice and deliver municipal services to the public, in accordance with Council's policies. Employees must be respectful of Council's role in order to serve the public interest.
25. Employees shall treat all members of Council with professionalism and courtesy, but must not favour, nor be seen to favour, the interests of one Councillor or other elected official over the interests of Council as a whole.
26. Employees shall conduct themselves with decorum at Council meetings. Employees shall show courtesy and not distract from the business of Council during presentations or when other members have the floor. Comments, suggestions or advice from employees should be accurate, respectful and germane to the subject at hand.
27. Employees should direct inquiries from individual Councillors and other elected officials to the CAO, or obtain CAO approval prior to contacting Councillors or other elected officials to provide information about a particular matter.
28. Employees should obtain the approval of the CAO prior to speaking publicly on a matter where they may be perceived to be representing the municipality.
29. Employees shall not utilize municipal funds, goods, services or assets to make political contributions.

Conflict of Interest:

30. Employees shall not make decisions on behalf of the municipality, make recommendations to the municipality, use their position within the municipality, or take

any actions on behalf of the municipality in respect of matters in which they have or believe they have a conflict of interest.

Even the slightest impression on impropriety of conflict of interest can have a devastating effect.

Employees are encouraged to familiarize themselves with the types of situations that could give rise to a perception of conflict of interest and to handle themselves accordingly. The avoidance of actual and perceived conflicts of interest is essential to ensuring that the Town fulfills its obligations to the public and to each other. Employees must report each and every time, any real, potential or perceived conflict of interest.

A conflict of interest may exist where an Employee or their Family Member has a Pecuniary Interest in a contract or proposed contract with the Town, interest in a property matter, and where the Employee may or may seem to influence the decision made by the Town with respect to the contract.

Similarly, a conflict may exist where the Employee could influence the decision made in the course of performing their job duties, and also where they could influence the decision through exerting personal influence over the decision-maker, which results in or appears to result in:

- a) An interference with the impartial exercise of an employee's duties and responsibilities of the Town.; or
- b) A gain or an advantage by virtue of an Employee's position with the Town.

The following are a few examples of situations that could constitute a conflict of interest:

- a) Using confidential information concerning the property, government, employees or affairs of the Municipality to advance the financial or personal interest of themselves or others;
- b) Showing favouritism or bias toward any vendor, contractor, or other who does business with the Municipality; and
- c) Having an interest in any municipal contract issued by the Municipality.

31. Employees, who attend Council meetings and who are responsible for providing advice/recommendations to Town Council, who wish to declare a conflict of interest in a matter to be discussed during a meeting, shall follow the following steps:

- a. The conflict of interest must be declared as the appropriate time during the meeting;
and
- b. The employee must leave the room prior to the discussion of the matter so that it is clear that the employee has not participated in the discussion or attempted to influence the deliberations of Council.

Personal Responsibilities and Obligations:

32. Compliance with the Code is a condition of employment.

Everyone must strive to:

- a) Uphold laws of all levels of government, and avoid situations where they may become party to a breach, evasion or subversion of the law;
- b) Conduct themselves in a manner that promotes the Town's reputation and ensures continued confidence in the Town system of government;
- c) Treat all persons honestly and fairly, and with proper regard for their rights, entitlements, duties and obligations, and at all times act responsibly in the performance of their duties;
- d) Be professional and courteous with their fellow Employees, Councillors and the public and resolved any work-related disagreement in a mature matter, based on reasonable expectations;
- e) Refrain from gossip;
- f) Advance the common good of the community;
- g) Carry out the duties in a fair, impartial and transparent manner;
- h) Promote the health and safety of others;
- i) Avoid using their position improperly for personal advantage, or for the advantage of another person, business, entity or group;
- j) Avoid using insider information, internal protocols or procedures for personal gain;
- k) Resolve any conflict between personal interests and public duty in favour of the public interest;
- l) Ensure that they take steps to ensure that Personal Information and Confidential Information obtained in the course of their employment is safeguarded and protected in accordance with the *Access to Information & Protection of Personal Information* bylaw;
and
- m) Refrain from posting social media comments that could be seen as disrespectful to Council, Council discussions or discussions of management of the Town.

Enforcement of the Code of Conduct:

- 33. It is the responsibility of the CAO to ensure that Employees receive adequate and appropriate information about this Code of Conduct along with a copy of any amendments. The CAO shall to the best of their ability, ensure that the Code is in accordance with policies, procedures and any other related legislative requirements. The CAO will review the Code on a regular basis to ensure that it continues to reflect the needs and responsibilities of the Town’s Employees and administration.

- 34. Complaints regarding contraventions to this code shall be in writing and may be made by any person.

- 35. Complaints shall be filed with the CAO. If the CAO is the subject of the complaint, it shall be filed with the Mayor.

- 36. The CAO shall have the responsibility for enforcing this code and determining if an employee is in breach of its provisions. The CAO shall have the authority to investigate any complaints with assistance and advice as required. Should the CAO be the subject of a complaint, the Mayor shall have the authority to investigate the complaint with assistance as required.

How to Report Violations of the Code:

Where a violation or a suspected violation of this Code occurs, a complaint may be made, orally or in writing, to the CAO.

When such concerns are brought forward, the issue(s) will be treated seriously and in confidence and will be investigated within five (5) business days from the date the concern was raised.

Penalty:

- 37. Any employee who contravenes any section of this code may be subject to:
 - a. Verbal or written warning;
 - b. Suspension without pay;
 - c. Dismissal;
 - d. Such other action or penalty as may be appropriate and permitted by law.

Date of Approval:

I certify that this policy was adopted by Town Council as indicated above.

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Mayor, Randy Ahearn

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CAO, Jim Wentzell